

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6506**

**BILL NUMBER:** HB 1071

**NOTE PREPARED:** Dec 14, 2005

**BILL AMENDED:**

**SUBJECT:** Grandparent Visitation.

**FIRST AUTHOR:** Rep. Reske

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that a court may not modify an order granting or denying grandparent visitation unless: (1) there is a substantial change in one or more of the factors concerning the best interests of the child; or (2) the order requested to be modified was issued at least 12 months before the petition requesting modification was filed.

This bill also provides that a court: (1) may not grant grandparent visitation rights if visitation would be detrimental to the life, health, safety, or welfare of the child; and (2) may appoint a Guardian Ad Litem, a Court Appointed Special Advocate, or both in a proceeding concerning grandparent visitation. The bill also requires a court to appoint a Guardian Ad Litem or a Court Appointed Special Advocate upon the request of a party to a proceeding for grandparent visitation if the court determines the request is made in good faith and for a proper purpose.

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:** This bill would require a court to appoint a Guardian Ad Litem (GAL) or Court Appointed Special Advocate (CASA) upon the request of a party when hearing a grandparent visitation case. The number of children or cases currently where a GAL/CASA is appointed under family law provisions (custody and visitation) is unknown.

This provision of the bill would increase expenditures for counties. GAL/CASAs that are appointed in family law cases (custody and visitation) are appointed at the expense of the county. When appointed, actual costs vary depending on the type of GAL/CASA appointed. Persons appointed can be of differing backgrounds and

costs (for examples, volunteer or attorney).

Actual increases in expenditures are dependent on the number of children or cases appointed a GAL/CASA, the type of GAL/CASA appointed, and the number of hours required for each individual case in which the GAL/CASA is appointed.

*User Fees:* Under current law, counties are permitted to charge a user fee when a GAL/CASA is appointed. Fees charged vary by county, ranging between \$0 and \$500. (*Note:* Some counties may charge higher fees. These numbers are not necessarily representative of all 92 counties.) However, it should be noted that the majority of families do not pay the required user fee due to inability to pay.

**Explanation of State Revenues:** The bill would disallow the court from modifying an order denying visitation rights unless the order requested to be modified was issued at least 12 months before, or there is a substantial change in one or more factors concerning the best interest of the child.

The aforementioned requirement could reduce the number of petitions received by the court from grandparents seeking modification of an order denying visitation rights.

*Court Fee Revenue:* If fewer civil actions occur, revenue from court fees to the state General Fund may decrease. A civil filing fee of \$100 is assessed when a civil case is filed, 70% of which is deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Court Fee Revenue:* If fewer civil actions occur, local governments would experience a decrease in revenue to the following sources. The county general fund typically receives 27% of a \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee is deposited in the county general fund and 25% is deposited in the city or town general fund.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, city and town courts; GAL/CASA programs.

**Information Sources:**

**Fiscal Analyst:** Sarah Brooks, 317-232-9559.